

FLOOR SCHEDULE FOR THURSDAY, APRIL 26, 2012

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes" per side	1:00 - 2:00 p.m.	6:00 - 7:00 p.m.

**Members are advised that following last votes today, the House is expected to continue debate on remaining amendments to H.R. 3523. The House will also debate H.R. 4257 – under suspension of the Rules. Any recorded votes requested will be postponed until tomorrow.

**Members are also advised that debate on H.R. 4628 will occur tomorrow.

H.Res. 631 – Rule providing for consideration of both H.R. 3523 - Cyber Intelligence Sharing and Protection Act of 2011 (Rep. Rogers (MI) – Intelligence) and H.R. 4628 – Interest Rate Reduction Act (Rep. Biggert – Education and Workforce) (One Hour of debate) The Rules Committee has recommended a Rule that provides for consideration of two separate bills.

For H.R. 3523 the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Intelligence. The Rule allows 16 amendments debatable for 10 minutes equally divided between the offeror and an opponent. It allows one motion to recommit, with or without instructions. It also waives all points of order against the legislation.

For H.R. 4628 the Rules committee has recommended a closed Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Education and Workforce. The Rule allows one motion to recommit and waives all points of order against the legislation. This Rule allows for H.R. 4628 to be taken up in less than 72 hours, which violates numerous promises made by the GOP majority.

Lastly, the Rule allows for Suspension Authority through Friday, April 27 for three cybersecurity related bills: H.R. 2096 – The Cybersecurity Enhancement Act of 2011, H.R. 3834 – The Advancing America’s Networking and Information Technology Research and Development Act and H.R 4257 – The Federal Information Security Amendments Act of 2012.

The Rules Committee rejected a motion by Mr. Polis to consider both bills under an open Rule. The committee also blocked numerous Democratic amendments related to privacy.

Begin Consideration of H.R. 3523 – Cyber Intelligence Sharing and Protection Act of 2011 (Rep. Rogers (MI) - Intelligence) (One Hour of debate) The bill requires the director of National Intelligence (DNI) to establish procedures to promote the sharing of information about cyber threat intelligence between intelligence agencies and the private sector. The bill provides authority for companies to use this intelligence to protect vital networks. The measure does not prescribe rules that require the sharing of cyber intelligence, either within the private sector or between the private sector and government, and allows the private sector to determine the level of detail of information it shares with the government and other private entities.

In order to further promote information-sharing by the private sector, the bill provides that shared information may not be used by other entities to gain an unfair competitive advantage, and provides liability protection for companies that act in “good faith” and choose to protect their networks. The measure encourages companies to voluntarily remove all personal information, limits what information companies can share with the government and prohibits the government from requiring companies to give the government information in exchange for receiving cyber threat intelligence. The bill also requires an annual report from the Inspector General of the Intelligence Community to ensure that none of the information provided to the government is mishandled or misused.

The Rule makes in order 16 amendments, each debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Rep. Langevin/Rep. Lungren Amendment. Would expand eligibility to participate in the voluntary information sharing program created in the bill to include critical infrastructure owners and operators, which allows entities that are not entirely privately owned, such as airports, utilities,

and public transit systems, to receive vital cybersecurity information and better secure their networks against cyber threats

Rep. Conyers Amendment. Would strike the exemption from criminal liability, strike the civil liability exemption for decisions made based upon cyber threat information identified, obtained, or shared under the bill, and ensure that those who negligently cause injury through the use of cybersecurity systems or the sharing of information are not exempt from potential civil liability

Rep. Pompeo Amendment (#3). Would make clear in the bill's liability provision that the reference to the use of cybersecurity systems is the use of such systems to identify and obtain cyber threat information

Rep. Rogers (MI)/Rep. Ruppertsberger/Rep. Issa/Rep. Langevin Amendment. Would clarify that regulatory information already required to be provided remains subject to the Freedom of Information Act under current law

Rep. Jackson-Lee Amendment. Would authorize the Secretary of DHS to intercept and deploy countermeasures with regard to system traffic for cybersecurity purposes when identifying cybersecurity risks to federal systems

Rep. Quayle/Rep. Eshoo/Rep. Thompson (CA) Amendment. Would limit government use of shared cyber threat information to only 5 purposes: 1) cybersecurity 2) investigation and prosecution of cybersecurity crimes 3) protection of individuals from the danger of death or physical injury 4) protection of minors from physical or psychological harm and 5) protection of the national security of the United States

Rep. Amash/Rep. Labrador/Rep. Paul/Rep. Nadler/Rep. Polis Amendment. Would prohibit the federal government from using, inter alia, library records, firearms sales records and tax returns that it receives from private entities under the bill

Rep. Mulvaney/Rep. Dicks Amendment. Would provide clear authority to the government to create reasonable procedures to protect privacy and civil liberties, consistent with the need of the government to protect federal systems and cybersecurity. The amendment would also prohibit the federal government from retaining or using information shared by certain cybersecurity providers in most circumstances

Rep. Flake Amendment. Would add a requirement to include a list of all federal agencies receiving information shared with the government in the report by the Inspector General of the Intelligence Community required under the legislation

Rep. Richardson Amendment. Would make explicit that nothing in the legislation would prohibit a department or agency of the federal government from providing cyber threat information to owners and operators of critical infrastructure

Rep. Pompeo Amendment (#11). Would clarify that nothing in the bill would alter existing authorities or provide new authority to any federal agency, including DOD, NSA, DHS or the Intelligence Community to install, employ, or otherwise use cybersecurity systems on private sector networks

Rep. Woodall Amendment. Would ensure that those who choose not to participate in the voluntary program authorized by this bill are not subject to new liabilities

Rep. Goodlatte Amendment. Would narrow definitions in the bill regarding what information may be identified, obtained, and shared

Rep. Turner Amendment. Would make a technical correction to several bill definitions in order to provide consistency with other cybersecurity policies within the executive branch and the Department of Defense

Rep. Mulvaney Amendment. Would sunset the provisions of the bill five years after the date of enactment

Rep. Paulsen Amendment. Would encourage international cooperation on cyber security where feasible

Bill Text for H.R. 3523:

[PDF Version](#)

Background for H.R. 3523:

[House Report \(HTML Version\)](#)

Suspension (1 Bill)

- 1) [H.R. 4257](#) – Federal Information Security Amendments Act of 2012 (Rep. Issa – Oversight and Government Reform)

Postponed Suspensions (2 Votes)

- 1) [H.R. 2050](#) – Idaho Wilderness Water Resources Protection Act (Rep. Simpson – Natural Resources)
- 2) [H.R. 2240](#) – Lowell National Historical Park Land Exchange Act of 2011 (Rep. Tsongas – Natural Resources)

TOMORROW'S OUTLOOK



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The GOP Leadership has announced the following schedule for Friday, April 27: The House will meet at 9:00 a.m. for legislative business. The House is expected to consider H.R. 2096 – Cybersecurity Enhancement Act of 2011, as amended (Rep. McCaul – Science, Space, and Technology) and H.R. 3834 – Advancing America's Networking and Information Technology Research and Development Act of 2012 (Rep. Hall – Science, Space, and Technology) – under suspension of the Rules. The House is also expected to consider H.R. 4628 – Interest Rate Reduction Act (Rep. Biggert – Education and Workforce) and complete consideration of H.R. 3523 – Cyber Intelligence Sharing and Protection Act (Rep. Rogers (MI) – Intelligence).

The Daily Quote

"Plunging ahead along party lines, the House Appropriations Committee on Wednesday approved a set of Republican-backed spending targets that break with the August debt accords by demanding more than \$27 billion in additional savings from non-defense programs... It's no secret that Appropriations Committee Chairman Hal Rogers (R-Ky.) strongly disagreed with Speaker John Boehner's decision to break with the accords set out in the Budget Control Act last summer. But under pressure from the right, Boehner felt he had no choice if he was to bring along the tea party and get a budget resolution passed this spring. To a lesser degree, elements of the same tea party forces are now evident in the Appropriations Committee itself."

- Politico, 4/25/12